

BEVERAGES AND BEVERAGE MATERIALS

14901. Conspiracy to violate the Federal Food, Drug, and Cosmetic Act with respect to the interstate shipment of alleged grape juice. U. S. v. Minos K. Zongos, Salvatore Sommella, Joseph La Manna, and Superior Packing Co. Pleas of guilty by Minos K. Zongos and Salvatore Sommella; Minos K. Zongos fined \$1,000, imposition of sentence against Salvatore Sommella suspended, and defendants Zongos and Sommella placed on probation for 2 years. Action dismissed as to Joseph La Manna and Superior Packing Co. (Sample No. 5610-H.)

INDICTMENT RETURNED: July 23, 1946, Southern District of New York, against Minos K. Zongos, Salvatore Sommella, Joseph La Manna, and the Superior Packing Co.

NATURE OF CHARGE: The indictment alleged that the defendants, since January 1944, and continuously thereafter to the date of the filing of the indictment, did, at the Southern District of New York, combine, conspire, confederate, and agree together, and with each other, and other persons, to commit offenses against the United States in violation of Sections 301 and 303 of the Federal Food, Drug, and Cosmetic Act, with the purposes and object of introducing and delivering for introduction into interstate commerce an adulterated and misbranded food labeled "Capitol brand grape juice," with intent to defraud and mislead.

It was alleged further that in pursuance of the conspiracy and for the purpose of effecting the objectives thereof, the defendants manufactured and bottled an alleged grape juice at 370 Pearl Street, New York City, and committed other overt acts.

DISPOSITION: November 29, 1946. Defendants Minos K. Zongos and Salvatore Sommella pleaded guilty. Minos K. Zongos was sentenced to pay a fine of \$1,000, and he was placed on probation for 2 years; imposition of sentence against Salvatore Sommella was suspended, and he was placed also on probation for 2 years. On December 2, 1948, a nolle prosequi was entered with respect to defendants Joseph La Manna and the Superior Packing Co.

14902. Adulteration and misbranding of Vita Orange. U. S. v. 10 Cases, etc. (F. D. C. No. 26096. Sample Nos. 5308-K to 5310-K, incl.)

LIBEL FILED: On or about December 1, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 2 and 18, 1948, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 10 cases, each containing 12 1-quart bottles; 15 cases, each containing 6 half-gallon bottles; and 39 1-gallon bottles, of Vita Orange at Newport, R. I., together with a number of circulars entitled "The Good Morning to Health."

Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color, and that it contained approximately 5,000 U. S. P. units of vitamin C per one-half gallon.

LABEL, IN PART: (Bottle) "Vita Orange with Vitamins Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to have more orange juice than it actually contained and thus to be better or of greater value than it was.